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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 ENRIQUE TREVINO, JR.,

Case No. 2:13-cv-01925-MMD-NJK

10 Plaintiff,

ORDER

11 v.
12 BANK OF NEW YORK MELLON,

(Def's Motion to Dismiss – dkt. no. 6)

13 Defendants.

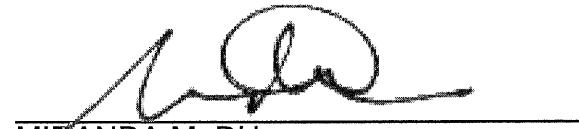
14 Defendant Bank of New York Mellon filed a Motion to Dismiss ("Motion") under
15 Fed. R. Civ. P. 12(b)(6) on October 24, 2013. (Dkt. no. 6.) The opposition was due by
16 November 10, 2013. As of the date of this order, Plaintiff Enrique Trevino, Jr. has not
17 submitted an opposition to the Motion. Further, Plaintiff has not contacted the Court or
18 submitted any filings since this case was removed on October 21, 2013. (See dkt. no. 1.)
19 Defendant submitted a notice of non-opposition and asks the Court dismiss this action
20 with prejudice. (Dkt. no. 13.)

21 Failure to file points and authorities in opposition to a motion constitutes consent
22 that the motion be granted. L.R. 7-2(d); *see also Abbott v. United Venture Capital, Inc.*,
23 718 F. Supp. 828, 831 (D. Nev. 1989). The Court has reviewed the Motion and the
24 Complaint. While allegations of a *pro se* complainant are held to less stringent standards
25 than formal pleadings drafted by lawyers, *Haines v. Kerner*, 404 U.S. 519, 520 (1972),
26 the Court finds the Complaint is plainly deficient even under this lower standard and fails
27 to state any claims on which relief may be granted. The Court notes that Plaintiff has not
28 only failed to oppose the Motion, but has not sought leave to amend the Complaint in

1 response to the Motion. As the Motion is unopposed, and good cause appearing, the
2 Motion is granted.

3 It is therefore ordered that Defendant's Motion to Dismiss (dkt. no. 6) is granted
4 and this action is dismissed without prejudice.

5 ENTERED THIS 18th day of November 2013.
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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE